



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 29, 1994

Ms. Marcie L. Trettin
Staff Attorney
Texas Commission on Fire Protection
P.O. Box 2286
Austin, Texas 78768-2286

OR94-783

Dear Ms. Trettin:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 25028.

The Texas Commission on Fire Protection (the "commission") received a request for information concerning a certain investigation report. You claim that the information is excepted from required public disclosure under section 552.101 of the Government Code in conjunction with section 51.14 of the Family Code.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 51.14(d) of the Family Code provides that:

Except as provided by Article 15.27, Code of Criminal Procedure,¹ and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

¹This provision addresses the obligation of law enforcement agencies to notify public primary or secondary schools of the arrest or detention of individuals known or believed to be enrolled in such schools. See Code Crim. Proc. art. 15.27.

(1) a juvenile court having the child before it in any proceeding;

(2) an attorney for a party to the proceeding; and

(3) law-enforcement officers when necessary for the discharge of their official duties.

The requested information consists of a document entitled "Synopsis Investigation Report." The report is of a routine nature and is submitted by an investigator assigned to the case. The report contains information relevant to the status of the case, the location of the fire, the identity of the owner of the damaged property, a written consent to search the property, the fire department call report, and a statement by the investigator of his observations accompanied by photographs and notations.

However, based upon the document which you have submitted for our consideration, the juvenile concerned has not been charged with any criminal activity nor is he a party to any such proceeding. Thus, we must conclude that section 51.14(d) is inapplicable and that the information you have submitted must be disclosed in its entirety to the requestor pursuant to the provisions of the act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Toya Cirica Cook
Assistant Attorney General
Open Government Section

TCC/MRC/rho

Ref.: ID# 25028

Enclosures: Submitted documents

cc: Mr. George Prewitt
R.R. 3, Box 149
Killeen, Texas 76542-9305
(w/o enclosures)